IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 5149 of 2005

Between:

Dhiraj Rawal, S/o. Monoharlal Rawal,
R/o. Plot No. 30, Polisetti Enclave, Vikrampuri, Secunderabad.

..... PETITIONER

AND

1 Smt. Shobhana Devi, W/o. Sri Parshuram Giri,
R/o. H.No. 8-2-684/3/162/A, Road No. 12, Banjara Hills,
Hyderabad - 500 034
2 Rohit Parashram, S/o. Parshuram,
R/o. H.No. 8-2-684/3/162/A, Road No. 12, Banjara Hills,
Hyderabad - 500 034
3 Rajeev Parshuram, S/o. Parshram,
R/o. H.No. 8-2-684/3/162/A, Road No. 12, Banjara Hills,
Hyderabad - 500 034
4 Smt. Pushpalatha Bai, W/o. Shiv Charan,
R/o. Sri Sadan, No. 8-2-680/11/1, Road No. 1, Banjara Hills,
Hyderabad - 500 034
5 Shiv Charan, S/o. now known, Major,
R/o. H.No. 8-2-684/3/162/A, Road No. 12, Banjara Hills,
Hyderabad - 500 034
6 Pradeep Shiv Charan, S/o. Shiv Charan, Major,
R/o. No. 8-2-684/3/162/A, Road No. 12, Banjarahills, Hyderabad.
7 R. Ramalingam, S/o. G. Rajaiah,
R/o. 8-3-618/6, Yousufguda,Hyderabad.
8 G. Vijaya Kumar, S/o. G. Ramalingam, Major,

R/o. 8-3-618/6, Yousufguda,Hyderabad.
9 G. Eashwar, S/o. G. Ramalingam,
R/o. 8-3-618/6, Yousufguda,Hyderabad.
10 G. Swayamprabha, D/o. G. Ramalingam,
R/o. 8-3-618/6, Yousufguda, Hyderabad.
11 G. Vittal, S/o. G. Ramalingam,
R/o. 8-3-618/6, Yousufguda, Hyderabad.
12 Smt. Sumitra Agarwal, W/o. KK Agarwal, Major,
Distillary road, Secunderabad - 500 003.
13 The Commissioner of Commercial Taxes, Govt. of A.P. Opp : Gandhi Bhavan, Nampally,
Hyderabad.
14 The Commissioner of Commercial Taxes, Govt. of A.P. Jubilee hills Circle, Sri nagar Colony, Hyderabad.

(Respondents 4 to 6 and 7 to 11 are not necessary parties.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, direction or an order, particularly one in the nature of Writ of Mandamus, declaring the proposed action of the respondents No. 1 to 3 and Respondent No. 12 as land grabbers and set-aside the judgment in L.G.C. 182/99 delivered by the Special land grabbing court Hyderabad dated 17-12-2004, and give back possession of the land to the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.KOMIREDDY KRISHNA VIJAY AZAD

Counsel for the Respondents 13 & 14: SPL.GP FOR COMMERCIAL TAX

The Court at the stage of admission made the following :

ORAL ORDER: (Per Sri BRSR.J)

The petitioner herein filed LGC No.182 of 1999 in the Special Court under A.P.Land Grabbing (Prohibition) Act at Hyderabad under sub-section (1) of Section 8 of A.P.Land Grabbing (Prohibition) Act, 1982 (for short 'the Act') against the respondents herein inter alia alleging that an extent of 963 square yards of land belonging to him has been grabbed by respondents 1 to 12, out of 1133 square yards of land owned by him, located in S.No.129/49 (old) revised survey number 330 of Shaikpet village, within the limits of Hyderabad Municipal Corporation.

The Special Court, upon appreciation of evidence available on record, held that the petitioner is the lawful owner of an area, comprising in Plot No. III/B, located in Sy.No.129/49 old (revision sy.No.330), presently under the occupation of respondents 4 to 6 to an extent of 433 square yards and respondents 1 to 3 to an extent of 333 square yards. It is unnecessary to notice further details in this regard as the matter between the writ petitioner and respondents 1 to 3 as well as respondents 4 to 6 is stated to have been compromised.

The Special Court, after elaborate consideration of the matter, found that the petitioner-applicant miserably failed to establish that respondent No.12 has grabbed any extent of land belonging to him, much less an extent of 208 square yards, as alleged by the petitioner/applicant in the LGC. It is that order which is challenged in this writ petition.

The Special Court found that out of 1133 square yards of land purchased by the petitioner on 21.10.1983, altogether an extent of 766 square yards were found to be in occupation of respondents 1 to 6. Thereby there is reduction of 367 square yards of land out of an extent of 1133 square yards. The Special Court found that the area left by the petitioner-applicant comprised common passage, even according to his own admission, comes to 170 square yards and if the same is to be deducted, the shortage comes to 197 square yards. It is found that Respondent No.12 is in no way responsible for this shortage. Respondent No.12 herself purchased under registered sale deed an extent of 893 square yards and as on the day of the Commissioner's inspection, she was found to be in possession of only an extent of 784 square yards resulting in a shortage of 109 square yards. It is not necessary to notice further details in this regard.

Having regard to the nature of very allegations levelled and the controversy involved, the Special Court found that the petitioner himself failed to establish that respondent No.12 grabbed his land. The finding is based on appreciation of both oral and documentary evidence available on record. The nature of controversy between the petitioner and Respondent No.12 clearly suggest that it is not a case of any grabbing the land as such by Respondent No.12, who is not even in possession of the entire extent of land purchased by her under registered sale deed.

This Court does not exercise any appellate jurisdiction over the orders passed by the Special Court. Reappreciation of evidence and substitution of findings for that of the Special Court is neither desirable nor permissible. Suffice it to hold that the impugned judgment does not suffer from any error apparent on the face of the record requiring interference of this Court in exercise of its Certiorari jurisdiction.

Learned counsel for the petitioner, however, made an attempt to invite our attention to certain documents purported to have been filed in the Court below in support of his contention that the findings recorded by the Special Court are erroneous. We are not inclined to read any evidence at this stage and at any rate no

such case is made out. It is not the case of the petitioner that the findings recorded by the Special Court are perverse in their nature.

We find no merit in the writ petition and the same shall accordingly stand dismissed at the admission stage. No costs.

(B.SUDERSHAN REDDY,J)

dated 24..03..2005

(C.V.RAMULU,J)

msv

To

1. The Commissioner of Commercial Taxes, Govt. of A.P. Opp : Gandhi Bhavan, Nampally,Hyderabad.
2. The Commissioner of Commercial Taxes, Govt. of A.P. Jubilee hills Circle, Srinagar Colony, Hyderabad.

3. 2 CCs to Special GP for Commercial Taxes, High Court of A.P. Hyderabad

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